TITLE 17.—COPYRIGHTS

This title was enacted by act July 30, 1947, ch. 391, 61 Stat. 652

Chapter 1.—REGISTRATION OF COPYRIGHTS

§ 1. Exclusive rights as to copyrighted works.

Any person entitled thereto, upon complying with the provisions of this title, shall have the exclusive right:

* * * * *

(f) To reproduce and distribute to the public by sale or other transfer of ownership, or by rental, lease, or lending, reproductions of the copyrighted work if it be a sound recording: *Provided,* That the exclusive right of the owner of a copyright in a sound recording to reproduce it is limited to the right to duplicate the sound recording in a tangible form that directly or indirectly recaptures the actual sounds fixed in the recording: *Provided further,* That this right does not extend to the making or duplication of another sound recording that is an independent fixation of other sounds, even though such sounds imitate or simulate those in the copyrighted sound recording; or to reproductions made by transmitting organizations exclusively for their own use.

In case of failure of such manufacturer to pay to the copyright proprietor within thirty days after demand in writing the full sum of royalties due at said rate at the date of such demand, the court may award taxable costs to the plaintiff and a reasonable counsel fee, and the court may, in its discretion, enter judgment therein for any sum in addition over the amount found to be due as royalty in accordance with the terms of this title, not exceeding three times such amount.

* * * * *

(As amended Oct. 15, 1971, Pub. L. 92–140, § 1(a), 85 Stat. 391.)

AMENDMENTS

1971—Subsec. (f). Pub. L. 92–140 added subsec. (f).

EFFECTIVE DATE OF 1971 AMENDMENT

Section 3 of Pub. L. 92–140, as amended by Pub. L. 93–573, title I, § 101, Dec. 31, 1974, 88 Stat. 1873, provided that: "This Act shall take effect four months after its enactment [Oct. 15, 1971] except that section 2 of this Act [amending section 101 of this title] shall take effect immediately upon its enactment. The provisions of title 17, United States Code, as amended by section 1 of this Act [amending this section and sections 5, 19, 20 and 26 of this title] shall apply only to sound recordings fixed, published, and copyrighted on and after the effective date of this Act, and nothing in title 17, United States Code, as amended by section 1 of this Act, shall be applied retroactively or be construed as affecting in any way any rights with respect to sound recordings fixed before the effective date of this Act."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 9, 26, 101 of this title.

§ 5. Classification of works for registration.

The application for registration shall specify to which of the following classes the work in which copyright is claimed belongs:

* * * * *

(n) Sound recordings.

* * * * *

(As amended Oct. 15, 1971, Pub. L. 92–140, § 1(b), 85 Stat. 391.)

AMENDMENTS

1971—Subsec. (n). Pub. L. 92–140 added subsec. (n).

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92–140 applicable to sound recordings fixed, published and copyrighted on or after four months after Oct. 15, 1971, see section 3 of Pub. L. 92–140, set out as a note under section 1 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 13, 16, 19, 26, 101, 104 of this title.

§ 10. Publication of work with notice.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 26 of this title.

§ 11. Registration of claim and issuance of certificate.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 26 of this title.

§ 13. Deposit of copies after publication; action or proceeding for infringement.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 26 of this title.

§ 14. Same; failure to deposit; demand; penalty.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 26 of this title.

§ 19. Notice; form.

The notice of copyright required by section 10 of this title shall consist either of the word "Copyright", the abbreviation "Copr.", or the symbol ©, accompanied by the name of the copyright proprietor, and if the work be a printed literary, musical, or dramatic work, the notice shall include also the year in which the copyright was secured by publication. In the case, however, of copies of works specified in subsections (f) to (k), inclusive, of section 5 of this title, the notice may consist of the letter C enclosed within a circle, thus ©, accompanied by the initials, monogram, mark, or symbol of the copyright proprietor: *Provided,* That on some accessible portion of such copies or of the margin, back, permanent base, or pedestal, or of the substance on which such copies shall be mounted, his name shall appear. But in the case of works in which copyright was subsisting on July 1, 1909, the notice of copyright may be either in one of the forms prescribed herein or may consist

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of the following words: "Entered according to Act of Congress, in the year , by A. B., and in the office of the Librarian of Congress, at Washington, D.C.," or, at his option, the word "Copyright", together with the year the copyright was entered and the name of the party by whom it was taken out; thus, "Copyright, 19—, by A. B." In the case of reproductions of works specified in subsection (n) of section 5 of this title, the notice shall consist of the symbol Ⓟ (the letter P in a circle), the year of first publication of the sound recording, and the name of the owner of copyright in the sound recording, or an abbreviation by which the name can be recognized, or a generally known alternative designation of the owner: *Provided,* That if the producer of the sound recording is named on the labels or containers of the reproduction, and if no other name appears in conjunction with the notice, his name shall be considered a part of the notice. (As amended Oct. 15, 1971, Pub. L. 92–140, § 1(c), 85 Stat. 391.)

AMENDMENTS

1971—Pub. L. 92–140 specified the form of notice to be used in the case of reproductions of sound recordings as specified in subsec. (n) of section 5 of this title.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92–140 applicable to sound recordings fixed, published and copyrighted on or after four months after Oct. 15, 1971, see section 3 of Pub. L. 92–140, set out as a note under section 1 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 9, 16 of this title.

§ 20. Same; place of application of; one notice in each volume or number of newspaper or periodical.

The notice of copyright shall be applied, in the case of a book or other printed publication, upon its title page or the page immediately following, or if a periodical either upon the title page or upon the first page of text of each separate number or under the title heading, or if a musical work either upon its title page or the first page of music, or if a sound recording on the surface of reproductions thereof or on the label or container in such manner and location as to give reasonable notice of the claim of copyright. One notice of copyright in each volume or in each number of a newspaper or periodical published shall suffice. (As amended Oct. 15, 1971, Pub. L. 92–140, § 1(d), 85 Stat. 391.)

AMENDMENTS

1971—Pub. L. 92–140 provided for the location of the notice on a sound recording.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92–140 applicable to sound recordings fixed, published and copyrighted on or after four months after Oct. 15, 1971, see section 3 of Pub. L. 92–140, set out as a note under section 1 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 9, 16 of this title.

§ 21. Same; effect of accidental omission from copy or copies.

SECTION REFERRED TO IN OTHER SECTION

This section is referred to in section 26 of this title.

§ 24. Duration; renewal and extension.

EXTENSION UNTIL DECEMBER 31, 1976, OF RENEWAL TERMS EXPIRING PRIOR TO SUCH DATE

Pub. L. 93–573, title I, § 104, Dec. 31, 1974, 88 Stat. 1873, provided that: "In any case in which the renewal term of copyright subsisting in any work on the date of approval of this bill [Dec. 31, 1974], or the term thereof as extended by Public Law 87–668, by Public Law 89–142, by Public Law 90–141, by Public Law 90–416, by Public Law 91–147, by Public Law 91–555, by Public Law 92–170, or by Public Law 92–566 (or by all or certain of said laws) [set out as notes under this section], would expire prior to December 31, 1976, such term is hereby continued until December 31, 1976."

EXTENSION UNTIL DECEMBER 31, 1974, OF RENEWAL TERMS EXPIRING PRIOR TO SUCH DATE

Pub. L. 92–566, § 1, Oct. 25, 1972, 86 Stat. 1181, provided: "That in any case in which the renewal term of copyright subsisting in any work on the date of approval of this resolution [Oct. 25, 1972], or the term thereof as extended by Public Law 87–668, by Public Law 89–142, by Public Law 90–141, by Public Law 90–416, by Public Law 91–147, by Public Law 91–555, or by Public Law 92–170 (or by all or certain of said laws) [set out as notes under this section], would expire prior to December 31, 1974, such term is hereby continued until December 31, 1974."

EXTENSION UNTIL DECEMBER 31, 1972, OF RENEWAL TERMS EXPIRING PRIOR TO SUCH DATE

Pub. L. 92–170, Nov. 24, 1971, 85 Stat. 490, provided: "That in any case in which the renewal term of copyright subsisting in any work on the date of approval of this resolution [Nov. 24, 1971], or the term thereof as extended by Public Law 87–668, by Public Law 89–142, by Public Law 90–141, by Public Law 90–416, by Public Law 91–147, or by Public Law 91–555 (or by all or certain of said laws), would expire prior to December 31, 1972, such term is hereby continued until December 31, 1972."

§ 25. Renewal of copyrights registered in Patent Office under repealed law.

CHANGE OF NAME

"Patent Office" redesignated "Patent and Trademark Office" by section 3 of Pub. L. 93–596, Jan. 2, 1975, 88 Stat. 1949, set out as a note under section 1 of Title 35, Patents.

§ 26. Terms defined.

In the interpretation and construction of this title "the date of publication" shall in the case of a work of which copies are reproduced for sale or distribution be held to the earliest date when copies of the first authorized edition were placed on sale, sold, or publicly distributed by the proprietor of the copyright or under his authority, and the word "author" shall include an employer in the case of works made for hire. For the purposes of this section and sections 10, 11, 13, 14, 21, 101, 106, 109, 209, 215, but not for any other purpose, a reproduction of a work described in subsection 5(n) shall be considered to be a copy thereof. "Sound recordings" are works that result from the fixation of a series of musical, spoken, or other sounds, but not including the sounds accompanying a motion picture. "Reproductions of sound recordings" are material objects in which sounds other than those accompanying a motion picture are fixed by any method now known or later developed, and from which the sounds can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device, and include the "parts of instruments serving to reproduce mechanically the musical work", "mechanical reproductions", and "interchangeable parts, such as discs or tapes for use in mechanical music-producing machines" referred to in sections 1(e) and 101(e) of this title. (As amended Oct. 15, 1971, Pub. L. 92–140, § 1(e), 85 Stat. 391.)

AMENDMENTS

1971—Pub. L. 92–140 defined "sound recordings", "reproductions of sound recordings" and provided that for

the purposes of certain enumerated sections only, reproductions of a work described in section 5(n) of this title shall be considered a copy thereof.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92–140 applicable to sound recordings fixed, published and copyrighted on or after four months after Oct. 15, 1971, see section 3 of Pub. L. 92–140, set out as a note under section 1 of this title.

Chapter 2.—INFRINGEMENT PROCEEDINGS

§ 101. Infringement.

If any person shall infringe the copyright in any work protected under the copyright laws of the United States such person shall be liable:

* * * * *

(e) Interchangeable parts for use in mechanical music-producing machines.

Interchangeable parts, such as discs or tapes for use in mechanical music-producing machines adapted to reproduce copyrighted musical works, shall be considered copies of the copyrighted musical works which they serve to reproduce mechanically for the purposes of this section 101 and sections 106 and 109 of this title, and the unauthorized manufacture, use, or sale of such interchangeable parts shall constitute an infringement of the copyrighted work rendering the infringer liable in accordance with all provisions of this title dealing with infringements of copyright and, in a case of willful infringement for profit, to criminal prosecution pursuant to section 104 of this title. Whenever any person, in the absence of a license agreement, intends to use a copyrighted musical composition upon the parts of instruments serving to reproduce mechanically the musical work, relying upon the compulsory license provision of this title, he shall serve notice of such intention, by registered mail, upon the copyright proprietor at his last address disclosed by the records of the copyright office, sending to the copyright office a duplicate of such notice. (As amended Oct. 15, 1971, Pub. L. 92–140, § 2, 85 Stat. 392.)

AMENDMENTS

1971—Subsec. (e). Pub. L. 92–140 substituted a new subsection which provides that any person engaging in the unauthorized use of copyrighted music in the mechanical reproduction of musical works shall be subject to all the provisions of this title dealing with copyright infringement and, where there is willful infringement for profit, to criminal prosecution pursuant to section 104 of this title, for provisions which limited the remedy for unauthorized use of musical works to the payment of a royalty as provided in section 1(e) of this title.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92–140 effective Oct. 15, 1971, see section 3 of Pub. L. 92–140, set out as a note under section 1 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 26 of this title; title 28 section 1498.

§ 104. Willful infringement for profit.

(a) Except as provided in subsection (b), any person who willfully and for profit shall infringe any copyright secured by this title, or who shall knowingly and willfully aid or abet such infringement, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment for not exceeding one year or by a fine of not less than $100 nor more than $1,000, or both, in the discretion of the court: *Provided, however,* That nothing in this title shall be so construed as to prevent the performance of religious or secular works such as oratorios, cantatas, masses, or octavo choruses by public schools, church choirs, or vocal societies, rented, borrowed, or obtained from some public library, public school, church choir, school choir, or vocal society, provided the performance is given for charitable or educational purposes and not for profit.

(b) Any person who willfully and for profit shall infringe any copyright provided by section 1(f) of this title, or who should knowingly and willfully aid or abet such infringement, shall be fined not more than $25,000 or imprisoned not more than one year, or both, for the first offense and shall be fined not more than $50,000 or imprisoned not more than two years, or both, for any subsequent offense. (As amended Dec. 31, 1974, Pub. L. 93–573, title I, § 102, 88 Stat. 1873.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–573, § 102(1), designated existing provisions as subsec. (a), and as so designated, substituted "Except as provided in subsection (b), any person" for "Any person".

Subsec. (b). Pub. L. 93–573, § 102(2), added subsec. (b).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 101 of this title.

§ 106. Importation of article bearing false notice or piratical copies of copyrighted work.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 26, 101 of this title.

§ 109. Importation of prohibited articles; regulations; proof of deposit of copies by complainants.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 26, 101 of this title.

Chapter 3.—COPYRIGHT OFFICE

Sec.
201. Copyright office; preservation of records.
202. Register, assistant register, and subordinates.
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207. Rules for registration of claims.
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209. Certificates of registration; effect as evidence; receipt for copies deposited.
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211. Same; distribution and sale; disposal of proceeds.
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216. When the day for taking action falls on Saturday, Sunday, or a holiday.

AMENDMENTS

1972—Pub. L. 92–310, title II, § 205(b), June 6, 1972, 86 Stat. 203, struck out item 204.

§ 201. Copyright office; preservation of records.

NATIONAL COMMISSION ON NEW TECHNOLOGICAL USES OF COPYRIGHTED WORKS

Pub. L. 93–573, title II, §§ 201–208, Dec. 31, 1974, 88 Stat. 1873–1875, provided that:

"ESTABLISHMENT AND PURPOSE OF COMMISSION

"Sec. 201. (a) There is hereby created in the Library of Congress a National Commission on New Technological

Uses of Copyrighted Works (hereafter called the Commission).

"(b) The purpose of the Commission is to study and compile data on:

"(1) the reproduction and use of copyrighted works of authorship—

"(A) in conjunction with automatic systems capable of storing, processing, retrieving, and transferring information, and

"(B) by various forms of machine reproduction, not including reproduction by or at the request of instructors for use in face-to-face teaching activities; and

"(2) the creation of new works by the application or intervention of such automatic systems or machine reproduction.

"(c) The Commission shall make recommendations as to such changes in copyright law or procedures that may be necessary to assure for such purposes access to copyrighted works, and to provide recognition of the rights of copyright owners.

"MEMBERSHIP OF THE COMMISSION

"Sec. 202. (a) The Commission shall be composed of thirteen voting members, appointed as follows:

"(1) Four members, to be appointed by the President, selected from authors and other copyright owners;

"(2) Four members, to be appointed by the President, selected from users of copyright works;

"(3) Four nongovernmental members to be appointed by the President, selected from the public generally, with at least one member selected from among experts in consumer protection affairs;

"(4) The Librarian of Congress.

"(b) The President shall appoint a Chairman, and a Vice Chairman who shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office, from among the four members selected from the public generally, as provided by clause (3) of subsection (a). The Register of Copyrights shall serve ex officio as a nonvoting member of the Commission.

"(c) Seven voting members of the Commission shall constitute a quorum.

"(d) Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner as the original appointment was made.

"COMPENSATION OF MEMBERS OF COMMISSION

"Sec. 203. (a) Members of the Commission, other than officers or employees of the Federal Government, shall receive compensation at the rate of $100 per day while engaged in the actual performance of Commission duties, plus reimbursement for travel, subsistence, and other necessary expenses in connection with such duties.

"(b) Any members of the Commission who are officers or employees of the Federal Government shall serve on the Commission without compensation, but such members shall be reimbursed for travel, subsistence, and other necessary expenses in connection with the performance of their duties.

"STAFF

"Sec. 204. (a) To assist in its studies, the Commission may appoint a staff which shall be an administrative part of the Library of Congress. The staff shall be headed by an Executive Director, who shall be responsible to the Commission for the Administration of the duties entrusted to the staff.

"(b) The Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code but at rates not to exceed $100 per day.

"EXPENSES OF THE COMMISSION

"Sec. 205. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this title until June 30, 1976.

"REPORTS

"Sec. 206. (a) Within one year after the first meeting of the Commission it shall submit to the President and the Congress a preliminary report on its activities.

"(b) Within three years after the enactment of this Act [Dec. 31, 1974] the Commission shall submit to the President and the Congress a final report on its study and investigation which shall include its recommendations and such proposals for legislation and administrative action as may be necessary to carry out its recommendations.

"(c) In addition to the preliminary report and final report required by this section, the Commission may publish such interim reports as it may determine, including but not limited to consultant's reports, transcripts of testimony, seminar reports, and other Commission findings.

"POWERS OF THE COMMISSION

"Sec. 207. (a) The Commission or, with the authorization of the Commission, any three or more of its members, may, for the purpose of carrying out the provisions of this title, hold hearings, administer oaths, and require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of documentary material.

"(b) With the consent of the Commission, any of its members may hold any meetings, seminars, or conferences considered appropriate to provide a forum for discussion of the problems with which it is dealing.

"TERMINATION

"Sec. 208. On the sixtieth day after the date of the submission of its final report, the Commission shall terminate and all offices and employment under it shall expire."

§ 204. Repealed. Pub. L. 92–310, title II, § 205(a), June 6, 1972, 86 Stat. 203

Section, act July 30, 1947, ch. 391, 61 Stat. 652, required the Register of Copyrights to give a bond in the sum of $20,000.

§ 209. Certificate of registration; effect as evidence; receipt for copies deposited.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 26 of this title.

§ 215. Fees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 26 of this title.